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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

MARK MONDRAGON, o/b/o  
D.M., a minor child  
Plaintiff,

-vs-

NO. 1:21-CV-00427 MV/KRS

RIO RANCHO PUBLIC SCHOOLS,  
BOARD OF EDUCATION and  
GEORGE ARCHULETA in his  
Individual and official  
capacity,

Defendants.

VIDEOTAPED DEPOSITION OF D [REDACTED] M [REDACTED]

May 9, 2022

10:00 a.m.

500 4th Street, Suite 105  
Albuquerque, New Mexico 87102

PURSUANT TO THE NEW MEXICO RULES OF CIVIL  
PROCEDURE, this deposition was:

TAKEN BY: JERRY A. WALZ  
ATTORNEY FOR DEFENDANTS

REPORTED BY: PAUL BACA, CCR #112  
PAUL BACA COURT REPORTERS  
500 4th Street NW, Suite 105  
Albuquerque, New Mexico 87102

**EXHIBIT J**

<p style="text-align: center;">Page 6</p> <p>1      therapy records there are additional questions you 2      would like to ask in deposition, we will facilitate 3      that.</p> <p>4            MR. WALZ: And Mr. Quinones?</p> <p>5            MR. QUINONES: Yes, that's agreeable on 6      behalf of my client.</p> <p>7            MR. WALZ: We appreciate that stipulation. 8      Also as a matter of housekeeping I raised with 9      Mr. Bullion this morning I have also informed 10     Mr. Quinones that based on a recent conflict that 11    occurred in my schedule based on various coverage 12    matters, I cannot go forward with the deposition 13    schedule for tomorrow. And I have proposed that it 14    be vacated, put everybody on notice now and then 15    reschedule as quickly as we can after conferring 16    with everybody's calendars. So having said that, 17    Mr. Bullion, is that permissible to you?</p> <p>18            MR. BULLION: Yeah. That's fine. I'll 19    just need to speak to my clients and figure out when 20    they're available but we'll work to get that 21    rescheduled as soon as possible.</p> <p>22            MR. WALZ: Thank you very much. 23    Mr. Quinones?</p> <p>24            MR. QUINONES: Yes, that is fine, Counsel. 25    I want to clarify as far as the deposition notice</p>	<p style="text-align: center;">Page 8</p> <p>1            A. No. It's just like a lot, a lot of 2      pressure right now, like a lot.</p> <p>3            Q. Okay. Let me just go over a few things 4      perhaps to take the pressure off, all right?</p> <p>5            A. All right.</p> <p>6            Q. I'm not here and I don't think 7      Mr. Quinones is here to argue with you, to try to 8      paint you in a bad light or to demean you in any 9      way.</p> <p>10          A. Okay.</p> <p>11          Q. That's how we conduct depositions. We 12    will ask you questions based on the information that 13    we have and we will be professional in our conduct 14    towards you and your parents and Mr. Bullion at all 15    times.</p> <p>16          <b>Do you understand that?</b></p> <p>17          A. Yes, sir.</p> <p>18          Q. Now, let me just give you a couple of 19    so-called rules of the deposition. But let me ask 20    you this first. Have you ever been deposed before?</p> <p>21          A. Have I ever been what?</p> <p>22          Q. Deposed before; what we're doing now. 23    Have you ever been put under oath where you are 24    asked questions and you have to give answers?</p> <p>25          A. No. No, sir.</p>
<p style="text-align: center;">Page 7</p> <p>1      for Wednesday, May 11, of Laluce Martinez, we are 2      going forward with that one, correct?</p> <p>3            MR. WALZ: That's correct as far as I 4      understand that. Is that correct, Mr. Bullion, is 5      that correct we are still going forward with 6      Wednesday's deposition?</p> <p>7            MR. BULLION: Yes, that's the plan.</p> <p>8            MR. WALZ: All right. Well, thank you. (Discussion off the record.)</p> <p>10          MR. WALZ: First, I want to acknowledge 11    the presence of the parents, Mr. and Mrs. Mondragon. 12    I appreciate their attendance here. So let me go 13    ahead and get started.</p> <p>14          EXAMINATION</p> <p>15    BY MR. WALZ:</p> <p>16          <b>Q. We all know who we are based on the 17    introductions today. But there is a formality here 18    to get your attendance noted for the record. Would 19    you please state your full name and include your 20    date of birth.</b></p> <p>21          A. My name is D [REDACTED] M [REDACTED]. My date of 22    birth is 8-18-2003.</p> <p>23          Q. Now, I wouldn't help but notice that 24    you're wiping your eyes and things. Do you have an 25    allergy or --</p>	<p style="text-align: center;">Page 9</p> <p>1            Q. Okay. Well, let me do a very short 2      explanation. Based on the lawsuit that was filed on 3      your behalf, one of the procedures in the case, it's 4      called deposition practice. Your attorneys will 5      depose various witnesses. Myself and Mr. Quinones 6      will depose the named plaintiffs as well as various 7      witnesses all under oath. Do you understand that?</p> <p>8          A. Yes, sir.</p> <p>9          Q. And being under oath is a very high 10     responsibility; that means that you are sworn to 11    tell the truth. You understand that?</p> <p>12          A. Yes, sir.</p> <p>13          Q. And during the deposition and I'm sure 14    that you have discussed this with your attorneys 15    it's important that you let myself and Mr. Quinones 16    ask our questions or our comments, and then you will 17    be allowed to respond, but we need to do this 18    without interrupting each other. Do you understand 19    that?</p> <p>20          A. Yes, sir.</p> <p>21          Q. In preparation -- and also your testimony 22    under oath is just as if you were testifying in 23    front of a jury or judge, right now. Do you 24    understand that?</p> <p>25          A. Yes, sir.</p>

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<p>1 to be sure to make this absolutely 100 percent      2 positive and nail it down. You were not at that      3 meeting, correct?      4 A. No, sir, I was not at the meeting.      5 Q. And you have no information firsthand of      6 what occurred by any of the participants; is that      7 correct?      8 A. Yeah.      9 MR. WALZ: Excuse me. I've got to look at      10 this message.      11 Q. (By Mr. Walz) All right. So do you know,      12 to move on, do you know approximately when this IEP      13 meeting occurred?      14 A. Once again, towards the -- towards the      15 beginning of the school year.      16 Q. And that was the last school year you were      17 at Rio Rancho?      18 A. Yes. Well, yes.      19 Q. Could you please give me the name of the      20 principal who was at V. Sue Cleveland during this      21 time period?      22 A. I think his name is Mr. Labowski.      23 Q. Okay. I am going to try to help you a      24 little bit on this one and see if it helps your      25 memory. I believe the principal is Scott</p>	<p>1 and he just didn't give me no respect at all.      2 Q. Okay. Well, let's break this down a      3 little bit from what you just said. We've      4 established that you never met with him personally      5 or had any conversation with him. That is a correct      6 statement, correct?      7 A. Yes.      8 Q. So you don't know from any direct      9 interactions with him based on a conversation or at      10 any meeting with him how he feels about you or      11 anybody else. You don't have any firsthand      12 knowledge of that, do you?      13 A. No. Not at the moment, no.      14 Q. Did you have the opportunity to review his      15 testimony from the deposition that Mr. Bullion took      16 of him?      17 A. No.      18 Q. Other than Mr. Affentranger, do you      19 remember ever having any meeting, D [REDACTED] with any      20 Rio Rancho Public School administrator? We'll just      21 go the whole shooting match first of all.      22 A. Okay.      23 Q. I won't limit it to V. Sue Cleveland High      24 School. With any Rio Rancho school administrator      25 bringing to their attention any alleged</p>
<p>1 Affentranger.      2 A. Affentranger.      3 Q. Okay. Who is Mr. Labowski, just so I      4 know?      5 A. I just thought that was his last name.      6 Q. And again, just to be clear on the record,      7 have you ever had at any time as a student at V. Sue      8 Cleveland a face-to-face conversation or meeting      9 with Mr. Affentranger?      10 A. No, I -- no. He just doesn't care about      11 his students at all.      12 Q. I appreciate your commentary but the      13 question was, and I think you answered it, have you      14 ever had a face-to-face meeting or conversation with      15 him?      16 A. No. Because he wouldn't care.      17 Q. Why do you feel important to try to give      18 these kind of editorial comments when I ask you a      19 direct question like that?      20 A. Just so that you can see my point of view.      21 Q. I'm sorry. Go ahead, please.      22 A. What I was saying just so you could      23 understand my -- my point of view from where I'm      24 coming from. Because I actually did try having a      25 conversation way before this -- this all happened</p>	<p>1 improprieties with any searches that were conducted      2 of you by George Archuleta or any other Rio Rancho      3 Public School security personnel?      4 A. So let me get the question cleared. So      5 you're asking me was there anyone else present while      6 I was being searched by George, correct?      7 Q. No, that is not the question. I am going      8 to ask you that question and I like the fact that      9 you anticipated it. Thank you.      10 A. Yeah. I just want to make sure I hear you      11 clear.      12 Q. Yeah. That was good. No, my question was      13 more general, D [REDACTED]. That did you ever bring any      14 complaint or concern to anyone who is an      15 administrator at any time, you personally, okay?      16 With any administrator within the Rio Rancho Public      17 School system while you were a student in the -- at      18 the school district?      19 A. No, sir.      20 Q. Now, and again, this is encompassing that      21 last question obviously. That would include any      22 administrator, principal, vice principal, counselor,      23 at V. Sue Cleveland High School, correct? You never      24 complained to anybody there either, did you?      25 A. I never complained but one incident where</p>

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<p>1 I was getting searched Mr. Baca was present while      2 George was searching me. And I'm going to tell you      3 what I actually said at that time. I actually told      4 George to not touch my dick. And right away      5 Mr. Baca told me to shut up.</p> <p>6     <b>Q. Okay. And we'll talk about that</b>      7     <b>specifically.</b></p> <p>8     A. Okay.</p> <p>9     <b>Q. Thank you for bringing that up as well.</b></p> <p>10    A. Yes, sir.</p> <p>11    <b>Q. I am trying to ask you questions relating</b>      12    <b>to what conversations or notice that you may have</b>      13    <b>given to Rio Rancho --</b></p> <p>14    A. I have -- I had no conversation. That was      15 the only interaction I had with another school      16 administrator was at that time. I did not have a      17 conversation about George at the school personally.</p> <p>18    <b>Q. Okay. Well, thank you. That will help</b>      19 speed things up a bit. And I think it goes without      20 asking, but I got to ask you anyway for      21 clarification of the record.</p> <p>22    <b>You never took any concerns of any type</b>      23    <b>yourself to the Board of Education of the Rio Rancho</b>      24    <b>Public Schools, did you?</b></p> <p>25    A. No, sir.</p>	<p>1     <b>grade?</b></p> <p>2     A. I went from Harper Elementary to      3 New Mexico to Vista Grande Elementary.</p> <p>4     <b>Q. And is Vista Grande in the Rio Rancho</b>      5     <b>Public School system?</b></p> <p>6     A. Yes. It's located in Enchanted Hills.</p> <p>7     <b>Q. How did you do, D [REDACTED] at Vista Grande?</b></p> <p>8     A. I did good.</p> <p>9     <b>Q. Okay. Then Vista Grande went through what</b>      10    <b>grade?</b></p> <p>11    A. Third to fifth.</p> <p>12    <b>Q. And then where did you go at sixth grade?</b></p> <p>13    A. Sixth grade I went to Mountainview Middle      14 School.</p> <p>15    <b>Q. How did you do in Mountainview?</b></p> <p>16    A. I did good.</p> <p>17    <b>Q. And by "did good" what do you mean?</b></p> <p>18    Grade-wise, just socialization, getting along with      19 everybody?</p> <p>20    A. Yeah. Everything. I did good.</p> <p>21    <b>Q. Okay. And then where did you go after</b>      22    <b>Mountain View Middle School?</b></p> <p>23    A. I went to Cleveland.</p> <p>24    <b>Q. Okay. So you started V. Sue Cleveland as</b>      25 a freshman?</p>
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<p>1     <b>Q. Do you know if anyone prior to this</b>      2 lawsuit, prior to the lawsuit which was filed on      3 March 15, 2021, took any concerns about illegal      4 searches of you or other students to the Rio Rancho      5 Public Schools Board of Education?</p> <p>6     A. I'm sorry, can you please repeat.</p> <p>7     <b>Q. Yeah, I'll be glad to.</b></p> <p>8     A. Yeah.</p> <p>9     <b>Q. Do you know if anybody, anyone, on your</b>      10    <b>behalf --</b></p> <p>11    A. No.</p> <p>12    <b>Q. Okay.</b></p> <p>13    A. Yeah. No.</p> <p>14    <b>Q. Do you remember the rest of the question?</b></p> <p>15    A. Yeah, I do. No. No, sir.</p> <p>16    <b>Q. Okay. So nobody reported it to the Board</b></p> <p>17    of Education?</p> <p>18    A. No, sir. No, sir.</p> <p>19    <b>Q. All right. Thanks. Now, let's walk a</b>      20 little bit through your educational -- educational      21 history. So you started school what? In Colorado?</p> <p>22    A. Yeah.</p> <p>23    <b>Q. Up through what grade?</b></p> <p>24    A. Up to third grade.</p> <p>25    <b>Q. And then where did you go from third</b></p>	<p>1     A. Yes, sir.</p> <p>2     <b>Q. And by the way, do you know the other</b>      3 plaintiffs at all who filed very similar claims to      4 the ones that you filed and lawsuits?</p> <p>5     A. No.</p> <p>6     <b>Q. Do you know them? Did you know Joseph</b>      7 Salazar?</p> <p>8     A. Oh, Joseph Salazar and Laius Martinez.</p> <p>9     Yeah. Yes, I do.</p> <p>10    <b>Q. Have the three of you ever gotten together</b>      11 to talk about your lawsuits?</p> <p>12    A. No.</p> <p>13    <b>Q. Never?</b></p> <p>14    A. No.</p> <p>15    <b>Q. Didn't compare notes or anything like</b>      16 that?</p> <p>17    A. No. No notes or no nothing.</p> <p>18    <b>Q. Okay. Do you know -- and again, I don't</b>      19 want anything from your attorney, what you told your      20 attorney -- but do you know how all three of you      21 plaintiffs ended up with the same law firm?</p> <p>22    A. Because -- because once -- once I first      23 filed for this case I actually recommended Todd and      24 Jason to Laius and Joseph Salazar.</p> <p>25    <b>Q. Okay. So -- and thank you for the</b></p>

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<p>1 set to get the appropriate ones. So I'm not going      2 to give him the whole packet. I will give him the      3 specific one. I have handed him Interrogatory      4 Number 2 with the answers typed to it.</p> <p>5 MR. WALZ: Thank you, Todd.</p> <p>6 Q (By Mr. Walz) D [REDACTED], you supplied the      7 information in this answer to Interrogatory      8 Number 2, is that right?</p> <p>9 A. Yes, sir.</p> <p>10 Q. And in that interrogatory I asked you the      11 question, "Please set forth all facts or information      12 to support the allegation that you were groped      13 and/or improperly searched by George Archuleta      14 including when each event occurred, where at V. Sue      15 High School or school grounds that each event took      16 place, and who witnessed each event."</p> <p>17 You see that, right?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. So the first thing I want to do      20 regarding this interrogatory is you talked -- and      21 we'll go over the specifics and I am sure      22 Mr. Quinones will ask you detailed questions about      23 this. I just want to cover a few things.</p> <p>24 The first search according to your answer      25 occurred in the later part of ninth grade?</p>	<p>1 Q. Did you say four?</p> <p>2 A. Yes, sir. Four.</p> <p>3 Q. And I want to establish what years those      4 occurred and who was present. So we can cover that      5 first and we can maybe then get into some further      6 details.</p> <p>7 A. Okay.</p> <p>8 Q. But the first search it says the latter      9 part of ninth grade. Is that still correct?</p> <p>10 A. Yes, sir.</p> <p>11 Q. It says that you were escorted to a      12 private office on the second floor in the sophomore      13 office. I don't know what "sophomore office" means.      14 What does that mean?</p> <p>15 A. It's -- it's for the grade -- it's like      16 the office for your grade. So let's just say if you      17 are a freshman you would have to go see the freshman      18 principal. If you're a sophomore you would have to      19 go see the sophomore principal. That's like the      20 office.</p> <p>21 Q. Okay. Very good. Let me ask you this.      22 What was going on before Mr. Archuleta escorted you      23 to that private office? Were you at the bus stop?      24 Were you in the hallway?</p> <p>25 A. I was actually -- I was actually in the</p>
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<p>1 A. Yes. Can I actually stop you there? So      2 when I actually went over this last night, whoever      3 typed this actually got the stories mixed up.</p> <p>4 Q. Well, that is why we go over those, right?</p> <p>5 A. Yes.</p> <p>6 Q. How did the story -- what's mixed up      7 there?</p> <p>8 A. So -- so -- so the later part of ninth      9 grade when George escorted me to the private office      10 on the second floor in the sophomore office,      11 George -- George actually took me to the office with      12 no school teacher around.</p> <p>13 And then he started searching me, he      14 started searching my bag and then he started      15 searching my body. And as soon as I emptied my      16 pockets for him he started feeling around my thighs      17 and my buttocks. And he actually touched -- he      18 actually touched the tip of my penis and made a      19 swirl motion and asking me, "What's this?"</p> <p>20 Q. Okay. We can get into the specifics of      21 the search and I am sure you will with Mr. Quinones.      22 I'm trying to just establish right now, give you a      23 little roadmap, D [REDACTED] as to how many searches      24 actually occurred and --</p> <p>25 A. Four.</p>	<p>1 bathroom fighting my friend Joseph Salazar because      2 that morning we had just -- we had just gotten each      3 other mad.</p> <p>4 So we were roughhousing in the bathroom.      5 And Joe got lucky, he hit me in the eye, he gave me      6 black eye. And that's when George walks in and      7 notices my eye.</p> <p>8 Q. Okay. You just used two different words,      9 roughhousing and fighting. To me there is a      10 distinction having been in a few fights in my life.      11 Were you roughhousing or were you fooling around in      12 a way with your friend or were you actually      13 fighting?</p> <p>14 A. Actually fighting.</p> <p>15 Q. And what was the fight over?</p> <p>16 A. Just it's -- it's just early in the      17 morning, both of us were just tired, you know. We      18 just -- me and him used to hang out every day so we      19 would annoy each other sometimes. So it's like      20 that.</p> <p>21 Q. Okay. Did you know it was against school      22 policy to engage in fighting on school -- on school      23 grounds?</p> <p>24 A. I think that is against anywhere. I think      25 that is for anywhere.</p>

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<p style="text-align: center;">Page 50</p> <p>1 the sequencing right. The fight had occurred, you 2 are looking at your black eye in the mirror when he 3 walked in?</p> <p>4 A. Yeah.</p> <p>5 Q. Did he, in your opinion -- and this is 6 your opinion -- present himself in a professional 7 manner as a security guard when he encountered you 8 and Joseph Salazar?</p> <p>9 A. No, sir.</p> <p>10 Q. Why do you say no?</p> <p>11 A. Just -- just the way how -- how he talked 12 to me and Joe. Like he would -- he would just 13 always talk to us like if me and Joe are -- are 14 lowlifes, like we have nothing good for us at all.</p> <p>15 Q. Okay. Let me be very clear here, okay? 16 Did he call you and Joseph lowlifes or is that just 17 what you --</p> <p>18 A. Just --</p> <p>19 Q. Let me finish. Or is that just what you 20 believed as to how he was treating the two of you?</p> <p>21 A. Yes, sir. Yeah. Yes, sir.</p> <p>22 Q. But he did not call you a lowlife, did he?</p> <p>23 A. No.</p> <p>24 Q. Nor did he call Joseph Salazar a lowlife?</p> <p>25 A. I do not know on that part, no.</p>	<p style="text-align: center;">Page 52</p> <p>1 "No administrator was present." Is that still a 2 correct statement?</p> <p>3 A. Yes, sir.</p> <p>4 Q. And is it your understanding of school 5 policy that any time there is a search in 6 particular, I'm just asking a pat down search, that 7 there should be an administrator present in addition 8 to the security guard?</p> <p>9 A. Yes. Yes.</p> <p>10 Q. Do you know if on that same occasion if he 11 conducted a search also of -- of Joseph Salazar?</p> <p>12 A. No, he actually didn't search Joe that day 13 from what I know of.</p> <p>14 Q. Okay. So that was the first search, 15 correct?</p> <p>16 A. Yes, sir.</p> <p>17 Q. And then you described a second search in 18 that same paragraph where you state, "In the latter 19 part of DM's sophomore year George Archuleta told DM 20 to come see him in the main office the next 21 morning."</p> <p>22 Do you see that?</p> <p>23 A. Yes. So actually, that's where it mixed 24 up. So -- so the second time was when I was 25 actually walking to the bus because this was after</p>
<p style="text-align: center;">Page 51</p> <p>1 Q. Okay. And did he use any foul language 2 against either you or Joseph Salazar?</p> <p>3 A. No. But around the times when George 4 would look at me in the hallways, he would always 5 call me "hito" like just in a weird way. It was 6 weirding me out.</p> <p>7 Q. And D [REDACTED], we'll get into that and I'm 8 sure Mr. Quinones will. But I'm talking about right 9 now I'm trying to focus on one time period, all 10 right? And that was the initial contact you had 11 with Mr. Archuleta in the latter part of the ninth 12 grade when he came into the boys' restroom.</p> <p>13 And my question was for that -- that time, 14 all right, that time that he is communicating with 15 the two of you, did he use any foul language?</p> <p>16 A. No.</p> <p>17 Q. And then you indicated in your answer to 18 interrogatory he took you to the sophomore office 19 under the guise of a search. And I would just like 20 to know, again, I asked you a little bit what is the 21 sophomore office.</p> <p>22 But then you describe, "George Archuleta 23 touch and on felt DM penis and buttock." And again, 24 I will refer to Mr. Quinones about those specifics. 25 But what I want to focus here a little bit, you say,</p>	<p style="text-align: center;">Page 53</p> <p>1 school, after school hours.</p> <p>2 I was walking to the bus just -- just like 3 anyone would. And I -- this girl starts running to 4 me and gives me a colorful box. And I thought it 5 was like -- I thought it was like a little box of 6 gummies or something because it smelled good. I 7 thought it was gummy bears or gummy worms or 8 something, so I kept the box.</p> <p>9 And this other female that I do not know 10 the name of, she started -- she started saying, what 11 do I have, what do I have in my pocket? And George 12 heard her -- heard her saying my name.</p> <p>13 And that's when George started pulling me, 14 he came and pulled me up -- up into the front of the 15 bus and searched me in front of everyone there.</p> <p>16 Q. All right. Well, I really appreciate you 17 filling in that information. But we have to, as I 18 say, unpack it a little bit because it's not here 19 and some of this is new I think to myself and 20 Mr. Quinones that we need to go over.</p> <p>21 And just so you know, he represents 22 Mr. Archuleta and he will --</p> <p>23 A. Yeah, I know.</p> <p>24 Q. -- ask you a lot of questions about the 25 searches. I need more of an overview and need to</p>

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<p style="text-align: center;">Page 78</p> <p>1 So you told your parents when you got home about 2 what happened, right? 3 A. Yeah. 4 Q. And you told them this after they had 5 already learned from you during your freshman year 6 about the search by Mr. Archuleta where he is 7 claimed that he when he is doing his search touched 8 your penis, right? 9 A. Yeah. 10 Q. So they had that information from your 11 previous school year? 12 A. No. Well -- well, I told them what 13 happened but my parents didn't believe me. They 14 actually thought I was just actually being messed 15 up. 16 Q. Okay. Is that correct for the first 17 search that occurred your freshman year that they 18 didn't believe you? 19 A. Yes. Yes, sir. 20 Q. Okay. So you returned -- well, let me 21 also ask you this. There was no skin-to-skin 22 contact between you and Mr. Archuleta, was there? 23 A. No. 24 Q. I.e., he put his hand in your pants or 25 touched your genitalia?</p>	<p style="text-align: center;">Page 80</p> <p>1 When I had nothing on me, I already been 2 searched the day before. And that's -- that's when 3 the third incident of George harassing me, verbally 4 harassing me in front of Mr. Baca. 5 Q. Okay. Let me break it down so I'm on the 6 same incident with you. The first was at ninth 7 grade. The second incident was at the bus stop or 8 bus boarding area. And this is now the third, 9 right? 10 A. Yes, sir. 11 Q. All right. So you say they searched you. 12 Who are you defining or identifying as the "they"? 13 A. Mr. Baca and George. 14 Q. So did Mr. Baca touch you or lay hands on 15 you in any manner? 16 A. No, sir. 17 Q. Okay. So -- so you say they searched you. 18 Are you trying to infer at all that Mr. Baca touched 19 you, put his hands on you in any manner? 20 A. No, sir. 21 Q. And what is Mr. Baca's full name and 22 title? 23 A. I -- I don't know. All I know is his last 24 name, Baca. 25 Q. Okay. You don't know what position he</p>
<p style="text-align: center;">Page 79</p> <p>1 A. He put -- he put his hands in my pockets 2 when my pockets were empty. 3 Q. Okay. There is no hole in your pocket as 4 they say, right? 5 A. No. 6 Q. No skin-to-skin is what I'm asking. 7 A. No skin-to-skin. No hole in my pocket, 8 no. 9 Q. Okay. So -- all right. So you showed up 10 for school the following morning? 11 A. Uh-huh. 12 Q. Right? 13 A. Yep. 14 Q. Then what happens? 15 A. I -- I go to the office, George is waiting 16 there for me already. And -- and so we talk about 17 the incident that happened yesterday. I actually 18 told Mr. Baca the side of my story where this random 19 female that I don't even know the name of came up to 20 me and gave me a colorful box. 21 Q. Right. 22 A. And he -- he didn't believe me. So what 23 they actually had to do was they wrote me up for 24 having a vape on school property. And they searched 25 me again.</p>	<p style="text-align: center;">Page 81</p> <p>1 held with the school district? 2 A. Oh. Position -- the position he held at 3 that time was sophomore principal. 4 Q. So you thought he was a sophomore 5 principal? 6 A. No, he was the sophomore principle. 7 Q. Okay. And we've already established 8 through prior testimony that Mr. Affentranger was 9 not at any of those searches; is that right? 10 A. No, sir. 11 Q. All right. So tell us what happened. How 12 did -- what happened in the search? 13 A. So -- so after Mr. Baca was discussing 14 with me what my punishment was and everything, 15 Mr. Baca told me I had to get searched again just 16 for school regulations he said. 17 And so -- so I got -- I got searched 18 again. George was feeling on my thighs, weirdly. 19 Puts his hands in my pockets again. And then he 20 goes for my wallet, pulls out -- pulls out a condom 21 of mine and then refers to me as a little guy. 22 Q. All right. So where was Mr. Baca? 23 A. Mr. Baca was sitting right at his desk. 24 And me and George, we were right in front of his 25 desk while I was being searched.</p>

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<p style="text-align: center;">Page 82</p> <p>1     <b>Q.</b> Okay. Was the search being conducted 2     where Mr. Baca was giving any kind of instructions 3     or making comments?</p> <p>4     A. No. No. The only time when -- when 5     Mr. Baca made a comment was when I told George 6     exactly, "Do not touch my dick." That's when 7     Mr. Baca told me to shut up.</p> <p>8     <b>Q.</b> Okay. So I'm trying to set the stage 9     here. How long did this search take for 10    <b>Mr. Archuleta?</b></p> <p>11    A. Probably for about five minutes. I really 12    don't know.</p> <p>13    <b>Q.</b> Okay. And we can do this later or we 14    could sit here for five minutes and I think you 15    would find that to be a long time. Do you think it 16    was a five-minute search?</p> <p>17    A. Probably not then. No.</p> <p>18    <b>Q.</b> Okay. And did Mr. Archuleta tell you that 19    he was going to search you?</p> <p>20    A. Yeah.</p> <p>21    <b>Q.</b> Okay. Do you know what pat down is?</p> <p>22    A. Yeah.</p> <p>23    <b>Q.</b> Do you know if at times people can conceal 24    contraband in their pockets?</p> <p>25    A. Yeah.</p>	<p style="text-align: center;">Page 84</p> <p>1     <b>Q.</b> Okay. What -- had you turned your pockets 2     inside out or something?</p> <p>3     A. Yes, I did.</p> <p>4     <b>Q.</b> Okay. Now, when you told him, "Don't 5     touch my dick," had he already touched your -- your 6     penis at all?</p> <p>7     A. Yeah. Before the freshman year, that's 8     when he did it. Yeah. So that's why I told him 9     again, "Don't touch my dick."</p> <p>10    <b>Q.</b> That was the freshman year. Now, on this 11    search that you're now describing did he actually 12    ever touch your penis?</p> <p>13    A. Like skin-to-skin wise?</p> <p>14    <b>Q.</b> Well, you've already said there was no 15    skin-to-skin. But otherwise -- well, let me ask you 16    this. Did he touch your penis skin-to-skin on the 17    second search?</p> <p>18    A. No. No, second search.</p> <p>19    <b>Q.</b> Did he touch your penis at all on the 20    second search?</p> <p>21    A. Yes.</p> <p>22    <b>Q.</b> So when you made the comment, "Don't touch 23    my dick," was that before or after?</p> <p>24    A. That was before. And then -- and then 25    that's when Mr. Baca got mad at me.</p>
<p style="text-align: center;">Page 83</p> <p>1     <b>Q.</b> In their shoes?</p> <p>2     A. Yeah.</p> <p>3     <b>Q.</b> Socks?</p> <p>4     A. Yep.</p> <p>5     <b>Q.</b> Waistband?</p> <p>6     A. Yep.</p> <p>7     <b>Q.</b> Anything that's basically concealed from 8     vision because of an article of clothing or 9     someplace to store something out of sight, that can 10    be a place where such contraband can be stored. Would you agree with that?</p> <p>11    A. Some ways, yes.</p> <p>12    <b>Q.</b> Okay. Now, did -- when Mr. Archuleta and 13    I think you said -- I'm sorry. When you told 14    Mr. Archuleta, I'm quoting you here, I think you 15    said, "Don't touch my dick," was he doing a pat down 16    at that time of your outer clothing or inner 17    clothing or what?</p> <p>18    A. Just right about he was -- he was about to 19    start my body search out of clothing.</p> <p>20    <b>Q.</b> Okay. So that would be exterior pat down 21    of your, what, your pants and thighs?</p> <p>22    A. Yeah. It was -- it was exterior until he 23    put his hands in my pockets when he seen my pockets 24    were empty.</p>	<p style="text-align: center;">Page 85</p> <p>1     <b>Q.</b> Did you think that that was appropriate 2     language?</p> <p>3     A. Well, you know, I don't know. It's a lot 4     going through that when you're worried -- when 5     you're worried about a security dude targeting you 6     every day, that's kind of hard.</p> <p>7     <b>Q.</b> Okay. Now, I have to unpack that a little 8     bit. When you say targeting you every day, how do 9     you know that?</p> <p>10    I think you already described a total of 11    one, two, four -- four total searches in almost 12    four years of being a student at Rio Rancho. Does 13    that seem to you that you were targeted every day?</p> <p>14    A. Yes, because I could actually get into 15    detail about that.</p> <p>16    <b>Q.</b> I'm sorry. You could do what?</p> <p>17    A. I could actually get into detail about 18    that if you really want me to.</p> <p>19    <b>Q.</b> I might ask you to do that because I want 20    to know how many times you were pulled aside and 21    searched. And so maybe we can cut to the chase a 22    little bit here though.</p> <p>23    You describe in your sworn interrogatories 24    that you were searched four times.</p> <p>25    A. Yeah.</p>

22 (Pages 82 to 85)

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<p>1 A. Yeah. When it was still in the box.</p> <p>2 Q. Okay. It was in the box. Who opened the</p> <p>3 box?</p> <p>4 A. George, again.</p> <p>5 Q. And you pulled it out, you pulled out the</p> <p>6 vape pen?</p> <p>7 A. No, I didn't pull out the vape pen. I</p> <p>8 never pulled out the vape pen out of the box.</p> <p>9 Q. Let me read that sentence again and maybe</p> <p>10 we can dissect it more. "Then security came and got</p> <p>11 me and I pulled it out -- I pulled it out and it</p> <p>12 happened to be a vape stick."</p> <p>13 Do you think that that's unclear to you</p> <p>14 what happened based on your own writing?</p> <p>15 A. What do you mean by that? Unclear, what</p> <p>16 do you mean?</p> <p>17 Q. Do you think that what you wrote was</p> <p>18 accurate at the time?</p> <p>19 A. I don't know. I don't know. I was just a</p> <p>20 sophomore regular kid going to school. I just -- I</p> <p>21 did what any other student would do.</p> <p>22 Q. Okay.</p> <p>23 A. Like I'm actually kind of confused like</p> <p>24 what -- what you're trying to ask.</p> <p>25 Q. I'm asking if you did what you say you did</p>	<p>1 Number 7 that also talks to a degree about the</p> <p>2 searches.</p> <p>3 It appears and please, D [REDACTED], correct me</p> <p>4 on this if I say something that you think is</p> <p>5 different.</p> <p>6 A. Okay.</p> <p>7 Q. The first search was the latter part of</p> <p>8 the ninth grade. We all agree to that, right?</p> <p>9 A. Yes, sir.</p> <p>10 Q. And that was -- that was connected to the</p> <p>11 boys' restroom fight?</p> <p>12 A. Yes, sir.</p> <p>13 Q. Okay. Great. Then the additional</p> <p>14 searches that are -- comprise your claims against</p> <p>15 Mr. Archuleta and the school district, all the</p> <p>16 additional three searches occurred during your</p> <p>17 sophomore year; is that correct?</p> <p>18 A. Yes, sir.</p> <p>19 Q. And then after your sophomore year you had</p> <p>20 no more encounters at all with any --</p> <p>21 Mr. Archuleta or any other security personnel?</p> <p>22 A. No. Because after the sophomore year</p> <p>23 George had -- George had left Cleveland.</p> <p>24 Q. All right. And then the only search where</p> <p>25 there was an administrator present, the way I'm</p>
<p style="text-align: center;">Page 99</p> <p>1 in the voluntary statement. That security came and</p> <p>2 got you and then, quote, "I pulled it out and it</p> <p>3 happened to be a vape stick that wasn't out the</p> <p>4 package." Those are your words, not mine.</p> <p>5 A. So the vape wasn't out the package. But</p> <p>6 George is the one who identified the box as a vape</p> <p>7 inside it.</p> <p>8 Q. Okay. Even though you would agree that</p> <p>9 this statement doesn't say anything about George</p> <p>10 opening the box or pulling anything out of the box,</p> <p>11 does it?</p> <p>12 A. No.</p> <p>13 Q. Where did you write that statement at?</p> <p>14 A. I wrote it in one of the school offices.</p> <p>15 Q. After the encounter there at the bus, bus</p> <p>16 pickup and dropoff area or what? I'm sorry, D [REDACTED].</p> <p>17 It has a date of 3-5-2020. Does that sound right to</p> <p>18 you?</p> <p>19 A. I don't know.</p> <p>20 Q. Okay.</p> <p>21 MR. WALZ: Thank you, Mr. Quinones. And</p> <p>22 again, that's Exhibit 2.</p> <p>23 Q. (By Mr. Walz) All right. So trying to</p> <p>24 clarify to a degree the best that we can and I</p> <p>25 probably can look at Interrogatory Number 2 and</p>	<p style="text-align: center;">Page 101</p> <p>1 understanding it, was after the bus dropoff and</p> <p>2 pickup search that you reported the next morning as</p> <p>3 requested by Mr. Archuleta and that you went to an</p> <p>4 administrator's office where Mr. Baca was present;</p> <p>5 is that right?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. So that's the -- that's basically</p> <p>8 the third search if we count the bus dropoff search;</p> <p>9 is that right?</p> <p>10 A. Yes, sir.</p> <p>11 Q. And at the bus dropoff search</p> <p>12 Mr. Archuleta did not touch your genitalia in any</p> <p>13 manner, did he?</p> <p>14 A. No.</p> <p>15 Q. Okay. And so then the third search, the</p> <p>16 only one attended by an administrator for the school</p> <p>17 district or an employee, is the one where Mr. Baca</p> <p>18 was present. And you've described that as a search</p> <p>19 where you told Mr. Archuleta, quote, not to touch</p> <p>20 your dick. Is that right? That was the third</p> <p>21 search?</p> <p>22 A. The third search. The freshman year, bus</p> <p>23 parking lot, third search. I'm sorry. Just give me</p> <p>24 a minute to remember.</p> <p>25 Q. Take your time.</p>

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<p>1 A. So -- so freshman year, first time. Bus 2 parking lot, second time. Correct?</p> <p>3 Q. There's two.</p> <p>4 A. And then the third time is the next day.</p> <p>5 Q. Right.</p> <p>6 A. When he searched me in front of Mr. Baca.</p> <p>7 Q. Okay. And then we get to the fourth also 8 so I get everything included the third time, that's 9 the time that he reached in your pockets and you 10 said he felt your penis?</p> <p>11 A. Yeah.</p> <p>12 Q. That's when he pulled out your wallet, 13 pulled a condom out of your wallet and from your 14 answer to interrogatory he said, quote, "You're a 15 little guy," end of quote.</p> <p>16 A. Yes, sir.</p> <p>17 Q. Now we got three. One more, and I cannot 18 really tell and I'm sorry. And as you said these 19 answers were not how you maybe gave the information. But when was the fourth search?</p> <p>20 A. Okay. Hold on now. I'm mixed up. Hold 21 on real quick. Freshmen year, sophomore year, bus 22 lot. All right. We got mixed up. Hold on. We got 23 mixed up. Hold on. Okay. We actually missed 24 something.</p>	<p>1 right? 2 A. Yes, sir. 3 Q. And then he, from what I just heard you 4 say, he took you down to where the principal's 5 office would be. And did he search you again there? 6 A. Yeah. In the nurse's office, yes. 7 Because the nurse's office is like -- is like right 8 next to the principal's office. 9 Q. So again we're clear, Mr. Affentranger nor 10 any administrator was present for that; is that 11 right? 12 A. No, sir. 13 Q. And then you said you went through a metal 14 detector. Was it in fact a wand? Was it a wand? 15 A. Yeah, a wand. 16 Q. Okay. Who did that? 17 A. The school -- the school cop did. 18 Q. An actual police officer? 19 A. Yes, sir. 20 Q. Do you know the school cop's name? 21 A. I -- I do not. 22 Q. Okay. But he didn't touch you at all; he 23 just ran the wand over you? 24 A. Yeah. He just -- he just waved the wand over me.</p>
<p>1 Q. Okay. Which one did we miss?</p> <p>2 A. So -- so freshman year, back to freshman. 3 I'm sorry about this. So freshman year. So 4 after -- after he searched me the first time by 5 himself he -- he actually took me down to the main 6 office where -- where the main principal would be at 7 around there. 8 And -- and when I was in the -- when I was 9 in the nurse's office they searched me again also 10 using a metal detector to search me. 11 And I had nothing on me. And so -- and so 12 George decided to pat me down again and put his 13 hands in my pockets and that's when he touched my 14 penis again. That -- that was the one thing we 15 forgot to talk about.</p> <p>16 Q. Okay. Well, thank you. Having reviewed 17 these yourself, can you see my confusion, why it's 18 hard to tell when searches happened?</p> <p>19 A. Yes, sir.</p> <p>20 Q. Okay. So and thank you. That helps me 21 understand. So connected with the boys' bathroom 22 fight what I'm hearing now --</p> <p>23 A. Yes.</p> <p>24 Q. -- Mr. Archuleta took you to the second 25 floor sophomore office, searched you at that time,</p>	<p>1 Q. And then from what I'm understanding, 2 Mr. Archuleta didn't perform yet another search. 3 Was he in the nurse's office? 4 A. Yes. 5 Q. And was the nurse present when he did 6 that? 7 A. No, sir. 8 Q. Did he tell you why he was searching you 9 again? 10 A. No. 11 Q. And he -- he found nothing, right? 12 A. No. 13 Q. All right. So then let me ask you. Which 14 search was it that Mr. Baca was at? Of these 15 searches you've described, which one was he present 16 for? 17 A. The search that Mr. Baca was present for 18 was when George referred me as -- as a little guy. 19 Q. Right. But was that in connection with 20 what activity that Mr. Archuleta took you to be 21 searched? That wasn't the boys' restroom fight, 22 right? 23 A. No. No. This is -- this is the day after 24 the bus lot incident. 25 Q. Okay. So all of the other searches then,</p>

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<p style="text-align: center;">Page 190</p> <p>1 office that day, more or less?</p> <p>2 A. I -- I don't remember.</p> <p>3 Q. When Mr. Archuleta touched you</p> <p>4 inappropriately as you said, you're saying he</p> <p>5 touched you in your genitals in Mr. Baca's office?</p> <p>6 A. Yes, sir.</p> <p>7 Q. And on that occasion specifically where?</p> <p>8 A. My penis.</p> <p>9 Q. Okay. The tip of your penis?</p> <p>10 A. Yes, sir.</p> <p>11 Q. When he did that, did you yell or scream?</p> <p>12 A. No.</p> <p>13 Q. Physically resist?</p> <p>14 A. No.</p> <p>15 Q. Say anything to Mr. Archuleta or Mr. Baca</p> <p>16 in response?</p> <p>17 A. No.</p> <p>18 Q. But you did say -- well, let me back up.</p> <p>19 Why didn't you physically resist?</p> <p>20 A. Because I was shocked. I didn't know what</p> <p>21 to do.</p> <p>22 Q. Well, this wasn't the first time you were</p> <p>23 touched inappropriately by Mr. Archuleta, right?</p> <p>24 A. I'm sorry. So what are you trying to ask?</p> <p>25 Q. Well, it's my understanding from earlier</p>	<p style="text-align: center;">Page 192</p> <p>1 before.</p> <p>2 A. I've never addressed to Mr. Baca that</p> <p>3 George has touched my dick. The only thing that --</p> <p>4 that I've said in front of Mr. Baca to George was</p> <p>5 when I told George not to touch my dick.</p> <p>6 Q. And Mr. Baca told you to be quiet?</p> <p>7 A. Yes, sir. That was the time.</p> <p>8 Q. So you mentioned in front of Mr. Baca you</p> <p>9 didn't want George Archuleta to touch your dick?</p> <p>10 A. Yeah. I didn't say it like that. I</p> <p>11 just -- I just told George directly, "Don't touch my</p> <p>12 dick."</p> <p>13 Q. Okay. And when he started touching you</p> <p>14 inappropriate in Mr. Baca's office you didn't move</p> <p>15 your leg or try to block him with your arms?</p> <p>16 A. No, because he had me spread my legs and</p> <p>17 my arms.</p> <p>18 Q. Well, you could still move, couldn't you?</p> <p>19 A. Well, not -- well, not if the man is</p> <p>20 touching me and all of that. I don't want -- I</p> <p>21 don't want him to think I'm trying to run away and</p> <p>22 have him tackle me.</p> <p>23 Q. And when he was touching you</p> <p>24 inappropriate in Mr. Baca's office, couldn't you</p> <p>25 have told Mr. Baca, "Hey. He's touching my</p>
<p style="text-align: center;">Page 191</p> <p>1 questioning that the first time you were searched by</p> <p>2 Mr. Archuleta inappropriately was during your</p> <p>3 freshman year?</p> <p>4 A. Yes, sir.</p> <p>5 Q. But this incident in Mr. Baca's office,</p> <p>6 this was your sophomore year, correct?</p> <p>7 A. Yes, sir.</p> <p>8 Q. So if Mr. Archuleta had already touched</p> <p>9 you inappropriately the prior school year, why did</p> <p>10 you not physically resist when he touched you</p> <p>11 inappropriately in Mr. Baca's office?</p> <p>12 A. Because I once again, I was scared. I --</p> <p>13 I didn't know it was going to happen to me again.</p> <p>14 I -- it just -- it just shocked me. It just left my</p> <p>15 mind blank.</p> <p>16 Q. But you told Mr. Baca, didn't you, that</p> <p>17 Mr. Archuleta had touched you, as you said, touched</p> <p>18 your dick, before?</p> <p>19 MR. BULLION: Form, foundation.</p> <p>20 A. No, I don't come to remember -- remember</p> <p>21 for that.</p> <p>22 Q. (By Mr. Quinones) Okay. Let's see what I</p> <p>23 have in my notes here. Yeah. I thought you</p> <p>24 testified earlier you told Mr. Baca something along</p> <p>25 the lines of Mr. Archuleta had touched your privates</p>	<p style="text-align: center;">Page 193</p> <p>1 genitals"?</p> <p>2 A. No.</p> <p>3 Q. Why not?</p> <p>4 A. Because he is the type of person to not</p> <p>5 believe students.</p> <p>6 Q. Who is "he"?</p> <p>7 A. Mr. Baca.</p> <p>8 Q. Did you -- I think Mr. Walz may have asked</p> <p>9 you this. But this incident in Mr. Baca's office,</p> <p>10 did you or did you not report that to your parents?</p> <p>11 A. No.</p> <p>12 Q. Report it to any school staff member like</p> <p>13 a counselor?</p> <p>14 A. No, sir.</p> <p>15 Q. Do you have a social worker when you were</p> <p>16 attending Cleveland High School as a sophomore?</p> <p>17 A. You know, actually, I -- I don't know.</p> <p>18 Q. Okay. That's fair. Okay. You testified</p> <p>19 earlier and I think this came up in the</p> <p>20 interrogatory answer so let me see if I could pull</p> <p>21 that up real quick. And I believe this was</p> <p>22 Exhibit 1 to your deposition.</p> <p>23 Do you see a document on the screen?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. Let me see if I could get to where</p>

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<p style="text-align: center;">Page 194</p> <p>1 I need to be. 2 Do you see the cursor dancing on this 3 paragraph? 4 A. Yes, sir. 5 Q. And right there it says, "DM" and that's 6 you, "was continually searched without cause and was 7 touched by George Archuleta on DM penis and buttocks 8 as a form of unnecessary punishment." 9 Let me stop there. When did Mr. Archuleta 10 ever touch your buttocks? 11 A. At that time. 12 Q. At what time? 13 A. At the time -- at the time when he 14 searched me in Mr. Baca's office. 15 Q. Okay. So he touched both your buttocks 16 and your penis? 17 A. Yes, sir. 18 Q. And again, did you not physically resist? 19 A. No, sir. 20 Q. You didn't yell or scream in surprise? 21 A. No, sir. 22 Q. And that it says -- let me ask you this. 23 Other than that occasion in Mr. Baca's office, had 24 Mr. Archuleta ever touched your buttocks at any 25 other time?</p>	<p style="text-align: center;">Page 196</p> <p>1 Q. Are you sure about that? 2 A. Yeah. Well, yeah, I'm sure. Because 3 there is an office inside of a office, if you get 4 what I'm saying. 5 Q. If someone is walking outside of the 6 office where you were searched could they see 7 inside? 8 A. No, sir. 9 Q. And you're sure about that? 10 A. I'm really sure. 11 Q. Isn't it true that the ten grade office on 12 the second floor is right next door to Mr. Baca's 13 office? 14 A. Mr. Baca's office is in the tenth grade 15 office. 16 Q. Explain. 17 A. So -- so let's just say there's a big 18 office. And then in the office is smaller offices. 19 Do you see what I'm saying? 20 Q. And where was -- Mr. Baca's office is one 21 of these smaller offices? 22 A. Yeah. So -- so when you would walk in on 23 your left side there would be two counselor rooms 24 right there. And then on the left corner, that's 25 where Mr. Baca's office would be.</p>
<p style="text-align: center;">Page 195</p> <p>1 A. I'm sorry. Can you ask that again? 2 Q. Other than this incident in Mr. Baca's 3 office, did Mr. Archuleta ever touch your buttocks 4 on any other occasion? 5 A. Yes. 6 Q. When? 7 A. The first time, in freshman year. 8 Q. I have this in my notes. This was when 9 you were fighting with Joseph Salazar in bathroom? 10 A. Yes, sir. 11 Q. And where did Mr. Archuleta touch your 12 buttocks? In the bathroom? 13 A. No, in the -- in the sophomore office when 14 he took me upstairs. 15 Q. Okay. So if I understand your testimony, 16 this in the bathroom Mr. Archuleta did not search 17 you in the bathroom, but then you were taken to a 18 second floor office and that's where you were 19 searched? 20 A. Yes. The sophomore office. 21 Q. Okay. That sophomore office, is that on 22 the second floor? 23 A. Yes, sir. 24 Q. Any windows in that office? 25 A. No, sir.</p>	<p style="text-align: center;">Page 197</p> <p>1 Q. About how far is Mr. Baca's office from 2 the office where you were searched? 3 A. Well, it was directly -- it was directly 4 on top of me where I was at. 5 Q. And was Mr. Baca's office on the second 6 floor? 7 A. Yes. 8 Q. Was it right next door to this office 9 where you were searched? 10 A. Once again, his office is in the office. 11 Q. I don't want to get into detail discussion 12 of these offices. I suppose I could go see them 13 myself. But I wanted to gain your understanding of 14 it. Let me go on for the sake of time. 15 MR. BULLION: I'm sorry to interrupt. Can 16 I take a 30-second break? My wife is blowing up my 17 phone. 18 MR. QUINONES: Yeah. Let's go ahead. 19 It's 4:28. Let's go two minutes. 20 MR. BULLION: Thanks. 21 Q. (By Mr. Quinones) So Daniel, I'm going 22 through part of your answer in Interrogatory 23 Number 7. Want to ask you about this sentence where 24 I have the cursor going. Do you see that on the 25 screen?</p>

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<p style="text-align: center;">Page 202</p> <p>1 Q. When Mr. Archuleta -- and when you say 2 attitude back, would you guys tell him something? 3 Do you recall what you would tell him? 4 A. Yeah. Like -- like we would tell him to 5 chill out, like to back off. He actually -- he 6 actually didn't do anything. He didn't have a 7 reason.</p> <p>8 Q. Okay. You would just tell him back off or 9 chill out? 10 A. Yeah. 11 Q. Anything else? 12 A. No, sir. 13 Q. Okay. When Mr. Archuleta would make these 14 comments to threaten searching you, was he ever 15 accompanied on those occasions by any other security 16 officer? 17 A. No, not that I remember. No, sir. 18 Q. When Mr. Archuleta first searched you your 19 freshman year, that started when he came into the 20 bathroom and you and Mr. S [REDACTED] were fighting. Was 21 Mr. Archuleta accompanied by any other security 22 guard on that occasion? 23 A. No, once again. 24 Q. After the fight in the bathroom, did 25 Mr. Archuleta take both you and J [REDACTED] S [REDACTED] to</p>	<p style="text-align: center;">Page 204</p> <p>1 Mr. Archuleta. One the freshman year and three your 2 sophomore year. Does that sound right? 3 A. You said one freshman, three sophomore? 4 Q. Yes. That's what I wrote down from your 5 earlier testimony. 6 A. Yeah. 7 Q. Okay. And then this incident where Ron 8 the security guard came in and overheard you telling 9 Mr. Archuleta, "That's my dick," where did that 10 search take place? 11 A. It took place in the sophomore office. 12 Q. Okay. And Ron just came in kind of after 13 the fact; in other words, when the search was 14 starting and you got touched on your penis? 15 A. Yes, sir. 16 Q. Okay. On any of the occasions Mr. -- 17 besides the one with Mr. Baca present, on the other 18 occasions -- well, let me back up and clear that up 19 a little bit. 20 Other than the time with Mr. Baca in 21 Baca's office and this time Ron came into the room 22 during a search, during the other searches of your 23 person by Mr. Archuleta was anyone else present? 24 A. No, sir. 25 Q. Are Cleveland High School students allowed</p>
<p style="text-align: center;">Page 203</p> <p>1 Q. the principal's office or just you? 2 A. Just me. 3 Q. But Mr. S [REDACTED] was in bathroom when 4 Mr. Archuleta first entered it? 5 A. Yes, sir. 6 Q. Was Mr. S [REDACTED] injured in any way from 7 your fight with him? 8 A. No, sir. 9 Q. The next time you were searched by 10 Mr. Archuleta, the second time was in Mr. Baca's 11 office? 12 A. You said the second time? 13 Q. Yeah. I'm trying to get it straight in my 14 head. Was the second time in Mr. Baca's office? 15 A. I'm trying to -- hold on. I'm trying to 16 think. So freshman year that happened then -- so 17 those were the first two incidents. 18 Q. Right. What I heard you say -- 19 A. Okay. Hold on. I just had a -- I 20 remember what happened. So the first search 21 happened when he took me up to the office. And then 22 the second search happened when he took me down to 23 the other office. 24 Q. Okay. And again, I wrote down there were 25 four searches total of D [REDACTED] M [REDACTED] by</p>	<p style="text-align: center;">Page 205</p> <p>1 to have their cell phones on there person while they 2 attend school? 3 A. Yes, sir. 4 Q. At any point did you ever videotape, let's 5 start with this. Ever videotape Mr. Archuleta 6 giving -- harassing you and your friend in the 7 hallway? 8 A. No, sir. 9 Q. To your knowledge, did your friend Laius 10 ever record Mr. Archuleta harassing you guys in the 11 hallway? 12 A. I'm sorry. The mic was going out. 13 Q. Yeah. To your knowledge, did L [REDACTED] 14 M [REDACTED] ever -- 15 A. Oh. L [REDACTED] ? 16 Q. L [REDACTED] ever record Mr. Archuleta harassing 17 you guys in the hallway? 18 A. No, sir. 19 Q. I think we've gone over this part here. 20 Well, let me go back. Did you ever report that 21 Mr. Archuleta was repeatedly threatening you on an 22 almost daily basis? Let's start with school 23 administration? 24 A. Yes. 25 Q. Who did you report this repeated threats</p>

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<p style="text-align: center;">Page 206</p> <p>1      to?</p> <p>2      A. Oh. No. Okay. No. I heard your</p> <p>3      question different then. No, I haven't reported it.</p> <p>4      Q. Okay. And I was breaking it down. Did</p> <p>5      you ever report Mr. Baca repeatedly threatening you</p> <p>6      on a daily basis to any school administrator like a</p> <p>7      principal?</p> <p>8      A. No, sir.</p> <p>9      Q. To a school counselor?</p> <p>10     A. No, sir.</p> <p>11     Q. To a school nurse?</p> <p>12     A. No, sir.</p> <p>13     Q. To a school social worker?</p> <p>14     A. No, sir.</p> <p>15     Q. To the head of security?</p> <p>16     A. No, sir.</p> <p>17     Q. To police?</p> <p>18     A. No, sir.</p> <p>19     Q. To your parents?</p> <p>20     A. No, sir.</p> <p>21     Q. So his repeated daily threats, you just</p> <p>22     kept that to yourself?</p> <p>23     A. Yeah. Until I've -- until I've gone up to</p> <p>24     my father and -- and I actually told him, "This is</p> <p>25     what happened to me."</p>	<p style="text-align: center;">Page 208</p> <p>1      about once a week?</p> <p>2      A. Yes, sir.</p> <p>3      Q. And where do you smoke it?</p> <p>4      A. I smoke it at my house.</p> <p>5      Q. Indoors?</p> <p>6      A. Yes, sir.</p> <p>7      Q. Is that with your parents' consent?</p> <p>8      A. No.</p> <p>9      Q. You have your own room at home?</p> <p>10     A. Yes.</p> <p>11     Q. Do you ever invite friends over to your</p> <p>12     house to smoke marijuana?</p> <p>13     A. No sir. Just me.</p> <p>14     MR. QUINONES: All right. Give me about</p> <p>15     two minutes so I can look at my notes, please.</p> <p>16     MR. BULLION: Sure thing. Thank you.</p> <p>17     (A recess was taken.)</p> <p>18     Q. (By Mr. Quinones) I want to share screen</p> <p>19     again with you, Daniel. Do you see a document on</p> <p>20     the screen?</p> <p>21     A. Yes, sir.</p> <p>22     Q. I want to ask you a little bit about your</p> <p>23     answer to Interrogatory Number -- see where I can</p> <p>24     find that. Answer to Interrogatory Number 22. And</p> <p>25     here you were asked, "Please identify by name and</p>
<p style="text-align: center;">Page 207</p> <p>1      Q. When did you first tell your father about</p> <p>2      that?</p> <p>3      A. I don't know. A long time ago.</p> <p>4      Q. What grade in school were you in when you</p> <p>5      first told your father?</p> <p>6      A. Tenth grade.</p> <p>7      Q. Your sophomore year?</p> <p>8      A. Yes, sir.</p> <p>9      Q. And the tenth grade principal, your</p> <p>10     sophomore year, that was Mr. Baca?</p> <p>11     A. Yes, sir.</p> <p>12     Q. Was he also your principal for your</p> <p>13     freshman class?</p> <p>14     A. Yes, sir.</p> <p>15     Q. Other than the time you were at the</p> <p>16     nurse's office for that black eye, were you ever</p> <p>17     seen by the school nurse at Cleveland High School on</p> <p>18     any other occasion?</p> <p>19     A. No, sir.</p> <p>20     Q. Your marijuana use, you say you started</p> <p>21     doing that in what grade?</p> <p>22     A. Sophomore year.</p> <p>23     Q. And has that continued to the present?</p> <p>24     A. Yes, sir.</p> <p>25     Q. And you testified you smoke marijuana</p>	<p style="text-align: center;">Page 209</p> <p>1      contact information all students, administrators,</p> <p>2      staff and so forth, who witnessed George Archuleta</p> <p>3      quote, 'verbally harass and demean DM during the</p> <p>4      school day.'</p> <p>5      Answer: "Laius Martinez and Joseph</p> <p>6      Salazar both witnessed George Archuleta" and then</p> <p>7      there's three bullet points. The first one says,</p> <p>8      "Grooming DM by calling him hito instead of by his</p> <p>9      legal name." Hito, what does that mean to you?</p> <p>10     A. Like -- like you're an uncle and like you</p> <p>11     have your nephew and you call him hito. That's how</p> <p>12     I look at it.</p> <p>13     Q. Other than Mr. Archuleta has anyone else</p> <p>14     in your lifetime ever called you hito?</p> <p>15     A. No.</p> <p>16     Q. And how did you gain understanding of what</p> <p>17     hito meant?</p> <p>18     A. Because of -- because of Spanish movies I</p> <p>19     watched before. I mean, I watch George Lopez.</p> <p>20     That's where I learned it.</p> <p>21     Q. He uses that word often. So this word</p> <p>22     hito, and I'm just asking your understanding, is it</p> <p>23     a term that's used like to show you care about</p> <p>24     someone younger than you?</p> <p>25     A. I -- I don't know about that. I don't</p>